



DEPARTMENT OF DEFENSE

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Office of the Secretary

Docket ID: DOD-2014-OS-0052; RIN 0790-AJ27

32 CFR PART 241

Pilot Program for the Temporary Exchange of Information Technology Personnel

AGENCY: Department of Defense (DoD), Office of the DoD Chief Information Officer (DoD CIO).

ACTION: Final rule.

SUMMARY: This part assigns responsibilities and provides procedures for implementing a Pilot Program for the Temporary Exchange of Information Technology Personnel, known as the Information Technology Exchange Program pilot. This Pilot is envisioned to promote the interchange of DoD and private sector IT professionals to enhance skills and competencies.

Given the changing workforce dynamics in the IT field, DoD needs to take advantage of these types of professional development programs to proactively position itself to keep pace with the changes in technology. The ITEP pilot will serve the public good by enhancing the DoD IT workforce skills to protect and defend our nation. The ITEP Pilot expired September 31, 2013. Congress has extended the expiration date to September 30, 2018, and the reporting requirements through 2018. This final rule makes amendments to the current DoD ITEP regulation to update these dates.

DATES: This rule is effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: Gary Evans, 571-372-4493.

SUPPLEMENTARY INFORMATION:

Executive Summary

I. Purpose of this Regulatory Action

- a. The ITEP Pilot is envisioned to promote the interchange of DoD and private sector IT professionals to enhance skills and competencies. Given the changing workforce dynamics in the IT field, DoD needs to take advantage of these types of professional development programs to proactively position itself to keep pace with the changes in technology.
- b. This regulation implements section 1110 of the National Defense Authorization Act for Fiscal Year 2010 (Pub. L. 111-84), which authorizes DoD to implement a Pilot Program for the Temporary Exchange of Information Technology (IT) Personnel. This statute authorizes the temporary assignment of DoD IT employees to private sector organizations. This statute also gives DoD the authority to accept private sector IT employees assigned under the Pilot.

II. Summary of the Major Provisions of this Regulatory Action

This Pilot Program (“Pilot”) is authorized by section 1110 of the NDAA for FY2010 (Pub. L.111-84). Section 1110 authorizes DoD Components to assign exceptional IT employees to a private sector organization for purposes of training, development and sharing of best practices. It also gives DoD Components the authority to accept comparable IT employees on an assignment from the private sector for the training and development purposes and sharing of best practices and insight of government practices.

III. Costs and Benefits of this Regulatory Action

The cost of employee’s salary and benefits will be paid by the originating employer. It is anticipated that the benefit will outweigh the cost to manage this program and any additional cost would be related to travel or cost to attend training or conferences.

Regulatory Procedures

Executive Order 12866, “Regulatory Planning and Review” and Executive Order 13563, “Improving Regulation and Regulatory Review”

It has been certified that 32 CFR part 241 does not:

- (1) Have an annual effect on the economy of \$100 million or more, or may adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, environment, public health or safety, or State, local or tribal governments or communities;
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another Agency;
- (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or
- (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in these Executive Orders.

Sec. 202, Pub. L. 104-4, “Unfunded Mandates Reform Act”

It has been certified that 32 CFR part 241 does not contain a Federal mandate that may result in expenditure by State, local and tribal governments, in aggregate, or by the private sector, of \$100 million or more in any one year.

Public Law 96-354, “Regulatory Flexibility Act” (5 U.S.C. 601)

It has been certified that 32 CFR part 241 is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities.

Public Law 96-511, “Paperwork Reduction Act” (44 U.S.C. Chapter 35)

It has been certified that 32 CFR part 241 does not impose reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995.

Executive Order 13132, “Federalism”

It has been certified that 32 CFR part 241 does not have federalism implications, as set forth in Executive Order 13132. This rule does not have substantial direct effects on:

- (1) The States;
- (2) The relationship between the National Government and the States; or
- (3) The distribution of power and responsibilities among the various levels of Government.

List of Subjects in 32 CFR Part 241

Government employees, information technology

Accordingly, 32 CFR part 241 is amended as follows:

PART 241—[AMENDED]

- 1. The authority citation for 32 CFR part 241 is amended to read:

Authority: Pub. L. 111-84, sec. 1110, as amended.

- 2. In §241.6, revise paragraph (b) to read:

§241.6 Length of details.

(a) * * *

(b) This extension may be granted in 3-month increments not to exceed 1 year. No assignment may commence after September 30, 2018.

3. In §241.12, revise paragraph (a) to read:

§241.12 Reporting requirements.

(a) For each of fiscal years 2010 through 2018, the Secretary of Defense shall submit annual reports to the congressional defense committees, not later than 1 month after the end of the fiscal year involved, a report on any activities carried out during such fiscal year, including the following information:

- (1) Respective organizations to and from which an employee is assigned;
- (2) Positions those employees held while they were so assigned;
- (3) Description of the tasks they performed while they were so assigned; and
- (4) Discussion of any actions that might be taken to improve the effectiveness of the Pilot program, including any proposed changes in the law.

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Dated: May 9, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer,

Department of Defense.